

STATE OF MISSISSIPPI

Office of the Governor



EXECUTIVE ORDER 1333

WHEREAS, the Mississippi Constitution provides for "the establishment, maintenance and support of free public schools" for the benefit of Mississippi children; MISS. CONST. art. 8, § 201; and

WHEREAS, the laws of this State guarantee "the young citizens of this [S]tate" a "fundamental" "right to a minimally adequate public education," *Clinton Mun. Separate Sch. Dist. v. Byrd*, 477 So. 2d 237, 240 (1985); and

WHEREAS, "education is perhaps the most important function of state and local governments," *Brown v. Bd. of Educ.*, 347 U.S. 483, 493 (1954); and

WHEREAS, under our Nation's federal system of government, "[t]he consideration and initiation of fundamental reforms with respect to ... education are matters reserved for the legislative processes of the various States," *San Antonio Ind. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 58 (1973); and

WHEREAS, in recognition of the exclusive authority of state and local governments with respect to this critical function of government, the Legislature has declared that "the students, parents, general citizenry, local schoolteachers and administrators, local governments, local school boards, and state government have a joint and shared responsibility for the quality of education delivered through the public education system in the State of Mississippi," Miss. Code Ann. § 37-1-2(a); and

WHEREAS, as the above-cited authorities make clear, the authority and responsibility for judgments regarding appropriate educational standards, objectives, and curricula are vested, by the People of this State, in their state and local officials, not in the Federal Government; and

WHEREAS, "it is the policy of the State of Mississippi: ... To ensure that all students master the most essential parts of a basic education; ... To establish, raise and maintain educational standards; To improve the quality of education by strengthening it and elevating its goals; ... To provide quality education for all school-age children in the state; ... That excellence and high achievement of all students should be the ultimate goal; ... To encourage the common efforts of students, parents, teachers, administrators and business and professional leaders for the establishment of specific goals for performance; ... To improve instructional ... quality ...; ... That local school districts and their public schools be required to account for the product of their efforts"; and "To establish an accreditation system based upon measurable elements in school known to be related to instructional effectiveness, to establish a credible process for measuring and rating schools, to establish a method for monitoring continued performance, and to provide for a state response when performance is inadequate," *id.* § 37-1-2(c), (i), (m), & (s); and

WHEREAS, state law also grants to local school boards broad discretion and authority with respect to education policy while providing that they must adopt and implement academic programs, standards, objectives, and curricula that meet or exceed those established by the State Board of Education, see *id.*, §§ 37-1-3, 37-3-49, & 37-7-301; and

WHEREAS, the adoption and implementation of exacting academic standards is essential to the provision of high-quality education to our students and to the future of our State; and

WHEREAS, the process for developing and adopting academic standards and curricula should be open and transparent so that all interested citizens are given a meaningful opportunity to provide input; and

WHEREAS, such transparency and local involvement is impossible if academic standards and curricula are mandated or coerced by the Federal Government; and

WHEREAS, it is therefore inappropriate, if not unconstitutional, for the Federal Government to attempt to mandate the adoption of particular academic standards or curricula as a matter of law or as a condition of federal funding; and

WHEREAS, in addition, it is essential for the State and local school districts to safeguard the privacy of students and their families in connection with any collection of data necessary to the implementation of academic standards; and

WHEREAS, as the chief executive of the State, “[t]he governor shall transact all the business of the state, civil and military, with the United States government ..., except in cases otherwise specially provided by law,” Miss. Code Ann. § 7-1-13; see *Willis v. Fordice*, 850 F. Supp. 523, 532–33 (S.D. Miss. 1994), *aff’d* 55 F.3d 633 (5th Cir. 1995).

NOW, THEREFORE, I, Phil Bryant, Governor of the State of Mississippi, pursuant to the Constitution and laws of the State of Mississippi—including Sections 116 and 123 of the Constitution and Sections 7-1-5 and 7-1-13 of the Mississippi Code—do hereby order as follows:

1. The State of Mississippi and its local school districts, not the Federal Government or any other entity, shall determine the content of the academic standards and curricula for public schools in this State, with public input and comment in accordance with all applicable laws.
2. The State of Mississippi, not the Federal Government or any other entity, shall select statewide assessments to measure student achievement under the State’s academic standards. Local school districts may implement additional assessments to measure student academic progress.
3. The State of Mississippi is under no obligation to comply with any federal mandate that purports to require the State to maintain or utilize uniform national academic standards, curricula, or assessments. To date, the State of Mississippi has not received any federal funding or any federal directive relating to the adoption of such standards, curricula or assessments. Nor, in the future, shall the State commit to maintain or utilize such standards, curricula, or assessments as a condition of federal funding or any other inducement. Rather, in accordance with applicable law, the State’s academic standards, curricula, and assessments shall be developed and adopted by the State and/or local school boards in the exercise of their own, independent judgment, which shall not be limited or compromised by any federal or other external conditions or requirements.

homeschooled children are not under the jurisdiction of the State Board or Department of Education and are not affected by the implementation of academic standards developed by the State. See Miss. Code Ann. § 37-13-91(9).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

DONE at the Capitol, in the City of Jackson, this the 16th day of December in the year of our Lord two thousand and thirteen, and of the two hundred and thirty-eighth year of the United States of America.



**PHIL BRYANT
GOVERNOR**

BY THE GOVERNOR

**C. DELBERT HOSEMAN, JR.
SECRETARY OF STATE**